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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2009-88

13 GRACE YACoub  
2712 Highland Way  
14 Laguna Beach, CA 92651

**A C C U S A T I O N**

15 Registered Nurse License No. 518793

16 Respondent.

17  
18 Complainant alleges:

19 PARTIES

20 1. Ruth Ann Terry, M.P.H., R.N. (Complainant) brings this Accusation  
21 solely in her official capacity as the Executive Officer of the Board of Registered Nursing,  
22 Department of Consumer Affairs.

23 2. On or about January 26, 1996, the Board of Registered Nursing issued  
24 Registered Nurse License Number 518793 to Grace Yacoub (Respondent). The Registered  
25 Nurse License was in full force and effect at all times relevant to the charges brought herein and  
26 will expire on April 30, 2009, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

....

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

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1                   8.       Section 493 of the Code states:

2                   Notwithstanding any other provision of law, in a proceeding conducted by  
3                   a board within the department pursuant to law to deny an application for a license  
4                   or to suspend or revoke a license or otherwise take disciplinary action against a  
5                   person who holds a license, upon the ground that the applicant or the licensee has  
6                   been convicted of a crime substantially related to the qualifications, functions,  
7                   and duties of the licensee in question, the record of conviction of the crime shall  
8                   be conclusive evidence of the fact that the conviction occurred, but only of that  
9                   fact, and the board may inquire into the circumstances surrounding the  
10                  commission of the crime in order to fix the degree of discipline or to determine if  
11                  the conviction is substantially related to the qualifications, functions, and duties  
12                  of the licensee in question.

13                  As used in this section, "license" includes "certificate," "permit,"  
14                  "authority," and "registration."

15                   9.       California Code of Regulations, title 16, section 1444, states:

16                  A conviction or act shall be considered to be substantially related to the  
17                  qualifications, functions or duties of a registered nurse if to a substantial degree it  
18                  evidences the present or potential unfitness of a registered nurse to practice in a  
19                  manner consistent with the public health, safety, or welfare. Such convictions or  
20                  acts shall include but not be limited to the following:

21                  (a) Assaultive or abusive conduct including, but not limited to, those  
22                  violations listed in subdivision (d) of Penal Code Section 11160.

23                  (b) Failure to comply with any mandatory reporting requirements.

24                  (c) Theft, dishonesty, fraud, or deceit.

25                  (d) Any conviction or act subject to an order of registration pursuant to  
26                  Section 290 of the Penal Code.

27                   10.       California Code of Regulations, Title 16, section 1445 states:

28                  ....

29                  (b) When considering the suspension or revocation of a license on the  
30                  ground that a licensed vocational nurse has been convicted of a crime, the Board,  
31                  in evaluating the rehabilitation of such person and his eligibility for a license will  
32                  consider the following criteria:

33                   (1)       Nature and severity of the act(s) or offense(s).

34                   (2)       Total criminal record.

35                   (3)       The time that has elapsed since commission of the act(s) or  
36                   offense(s).

37                   (4)       Whether the licensee has complied with any terms  
38                   of parole, probation, restitution, or any other  
39                   sanctions lawfully imposed against the licensee.

1 (5) If applicable, evidence of expungement proceedings  
2 pursuant to Section 1203.4 of the Penal Code.

3 (6) Evidence, if any, of rehabilitation submitted by the  
4 licensee.

5 11. Section 125.3 of the Code provides, in pertinent part, that the Board may  
6 request the administrative law judge to direct a licensee found to have committed a violation or  
7 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
8 and enforcement of the case.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(August 30, 2007 Criminal Conviction for Obstructing a Police Officer on March 2, 2007)**

11 12. Respondent is subject to disciplinary action under sections 490 and 2761,  
12 subdivision (f) of the Code in that Respondent was convicted of a crime substantially related to  
13 the qualifications, functions, and duties of a registered nurse. The circumstances are as follows:

14 a. On or about August 30, 2007, in a criminal proceeding entitled  
15 *People of the State of California v. Grace Yacoub*, in Orange County Superior Court, Case No.  
16 07HM02634, Respondent was convicted on her plea of guilty for violating Penal Code section  
17 148, subdivision (a)(1), resisting and obstructing a peace officer who was attempting to  
18 discharge his duties, a misdemeanor.

19 b. As a result of the conviction, on or about August 30, 2007,  
20 Respondent was sentenced to three years informal probation, completion of 10 days community  
21 service, payment of \$250.00 in fines, and standard terms and conditions.

22 c. The circumstances that led to the conviction were that on or about  
23 the early morning hours of March 2, 2007, officers from the Long Beach Police Department  
24 responded to a domestic disturbance at the residence Respondent shared with her domestic  
25 partner. Officers met Respondent's partner outside of the residence; she told the officers that  
26 Respondent had tried to strangle her. The officers noted redness to the right side of the victim's  
27 neck. The victim further reported to the officers that weeks earlier she had ended their nine-year  
28 relationship and told Respondent that she was moving out. When the officers entered the  
residence, Respondent exited from the bedroom and approached the officers in an aggressive

1 manner and told them to get out. Respondent refused to comply with the officers' orders that she  
2 sit down on the living room sofa; she kept advancing towards the victim and had to be physically  
3 restrained. Respondent admitted she and her partner had an argument and that Respondent  
4 pushed the victim out of the bed. Respondent also had red marks on her neck which she claimed  
5 were a result of her partner grabbing her. The officer noted in his report that due to  
6 Respondent's aggressive, volatile behavior, he removed her from the residence. Respondent  
7 attempted to pull away from the officers and had to be placed in a wrist lock. The officers  
8 determined Respondent was the aggressor and she was arrested for corporal injury to a  
9 cohabitant and obstructing a police officer.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct - Abuse of Spouse or Cohabitant)**

12 13. Respondent is subject to disciplinary action under section 2761,  
13 subdivision (a) of the Code in that Respondent assaulted her domestic partner, and obstructed a  
14 police officer during his investigation into the domestic violence incident. Such behavior is  
15 unprofessional conduct.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 518793, issued to Grace Yacoub:
2. Ordering Grace Yacoub to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/10/08

  
RUTH ANN TERRY, M.P.H., R.N.  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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